

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**ENGINEROOM, LLC  
9984 Brewster Lane, Suite 150  
Powell, Ohio 43065**

**Plaintiff**

**v.**

**MINITAB, INC.  
Quality Plaza  
1829 Pine Hall Road  
State College, PA 16801-3008**

**Defendant**

**Case No. 2:12-cv-770**

**Judge \_\_\_\_\_**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

Now comes Plaintiff, EngineRoom, LLC, by and through its undersigned attorneys, and for its Complaint herein states as follows:

**PARTIES**

1. EngineRoom, LLC (“EngineRoom”) is an Ohio limited liability company which has its principal place of business at 9984 Brewster Lane, Suite 150, Powell, Ohio 43065 and which makes and sells data analysis software under the ENGINEROOM and other trademarks.

2. Defendant Minitab, Inc. (“Minitab”) is an Arizona corporation which has a principal place of business at Quality Plaza, 1829 Pine Hall Road, State College, Pennsylvania 16801-3008 and which, as a direct competitor of Plaintiff, is in the business of making and selling data analysis software.

**JURISDICTION AND VENUE**

3. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1338.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391 because: a substantial amount of the conduct giving rise to Plaintiff's claims occurred within this District; Defendant's contacts are sufficient to subject it to personal jurisdiction in this District; and, Defendant does business in Ohio and within this district.

**COUNT I: PATENT INFRINGEMENT**

5. EngineRoom realleges and incorporates by reference paragraphs 1-5 of this Complaint as though fully set forth herein.

6. On October 25, 2011, United States Patent No. 8,046,190 (the "190 Patent") was duly and legally issued to MoreSteam.com LLC for an invention relating to a method of data analysis. A copy of the 190 Patent is attached hereto as Exhibit A and made a part of this Complaint.

7. On November 1, 2011, United States Patent No. 8,050,888 (the "888 Patent") was duly and legally issued to MoreSteam.com LLC for an invention relating to a method of data analysis. A copy of the 888 Patent is attached hereto as Exhibit B and made a part of this Complaint.

8. EngineRoom LLC is the owner by assignment of both the 190 Patent and the 888 Patent.

9. Upon information and belief, Minitab has directly infringed, induced infringement of, and contributorily infringed EngineRoom's exclusive rights under both the 190 Patent and the 888 Patent by making, offering to sell and/or selling products, including at least the *Minitab 16*

product, that embody the invention of, and are within the scope of, the 190 Patent and the 888 Patent, and by causing others to use Minitab's infringing products, all in violation of 35 U.S.C. §271. Further, Minitab continues to infringe, induce infringement, and contributorily infringe.

10. Minitab has had actual notice of the 888 and 190 Patents since at least May 2012 (as well as EngineRoom's rights), and has continued, notwithstanding such notice, to willfully infringe, induce infringement of and contributorily infringe both the 190 Patent and the 888 Patent, and will continue to do so unless enjoined by the Court.

11. As a direct and proximate result of Minitab's infringements, EngineRoom has suffered injury and damage, which continues to accrue, in an amount to be determined at trial.

**WHEREFORE,** Plaintiff EngineRoom, LLC prays that the Court award the following relief in its favor and against Defendant Minitab, Inc.:

1. That the Court issue orders for preliminary and permanent injunctive relief prohibiting Minitab and its officers, agents, servants, employees, assigns, and those persons in active concert or participation with Minitab, from further infringement of the 190 Patent and the 888 Patent;

2. An award of damages sufficient to compensate EngineRoom for Minitab's infringement of the 190 Patent and the 888 Patent, to be trebled under 35 U.S.C. §284;

3. A finding that this case is exceptional so as to award to EngineRoom its attorneys' fees under 35 U.S.C. §285; and

4. An award of costs, interest, fees, and such further relief as the Court deems just and equitable.

Dated this 27th day of August, 2012.

Respectfully Submitted:

**s/ Eric B. Hershberger**

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**s/ Jeffrey J. Patter**

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Of Counsel

**JURY DEMAND**

Plaintiff respectfully demands a trial by jury of the maximum number of jurors permitted by law as to all issues so triable and presented herein.

**s/ Eric B. Hershberger**

Eric B. Hershberger (0055569)